

REC'D TN  
REGULATORY AUTH.  
**IN THE TENNESSEE REGULATORY AUTHORITY  
NASHVILLE, TENNESSEE**

**IN RE: PETITION OF UNITED CITIES** ) **\*01 MAR 12 PM 2 15**  
**GAS COMPANY FOR APPROVAL OF A** ) **DOCKET NO. 00-01022**  
**TRANSPORTATION GAS SERVICE** ) **OFFICE OF THE**  
**AGREEMENT WITH SUPERIOR** ) **EXECUTIVE SECRETARY**  
**INDUSTRIES INTERNATIONAL, INC.** )

---

**PETITION TO INTERVENE**

---

Comes Paul G. Summers, the Attorney General & Reporter, through the Consumer Advocate and Protection Division of the Office of Attorney General (hereinafter "Attorney General"), pursuant to Tenn. Code Ann. § 65-4-118(c)(2)(A), and petitions to intervene in this case on behalf of the public interest because consumers may be affected by actions taken in this docket, particularly if United Cities Gas Company ("UCG") is allowed margin loss recovery pursuant to a rate schedule that does not envision the present circumstances. Such recovery would result in a single issue rate case, which by nature disregards numerous factors considered by the Tennessee Regulatory Authority ("Authority") in rate cases. Accordingly, if the Authority proceeds toward approval of the special contract, the Attorney General wants to ensure that UCG's rate of return is not improperly impacted by improper application of established rate schedules. For cause, the Petitioner would show as follows:

1. The Consumer Advocate and Protection Division of the Office of the Attorney General is authorized by Tenn. Code Ann. § 65-4-118 (c)(2)(A) to initiate a contested case, and participate or intervene in proceedings to represent the public interest in accordance with the

Uniform Administrative Procedures Act (UAPA).

2. In the Petition filed by UCG, it asks for a 90 % margin loss recovery. However, the customer, Superior Industries, has been serviced under Rate 250 since 1991. Under the Margin Loss Recovery Rider in UCG's tariff, the margin recovery is available to those customers under Rate Schedule 291.

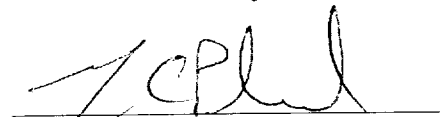
3. The real question is whether or not the circumstances fit Rate Schedule 291. Rate Schedule 291 requires that Superior have "alternate fuel capability" or that "gas to gas competition" exists. Superior's threat to bypass is not a reality yet, nor will it be if the TRA allows UCG to give Superior special rates. Because the bypass is a threat rather than a reality, the special contract is not justified under Rate Schedule 291.

4. Only by intervening and participating in this proceeding can the Attorney General work to protect the public interest.

Wherefore the Petitioner prays that the Authority grant its Petition to Intervene.

Respectfully submitted,

PAUL G. SUMMERS, B.P.R. # 6285  
Tennessee Attorney General

A handwritten signature in black ink, appearing to read 'T. Phillips', is written over a horizontal line.

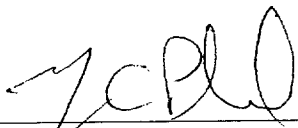
TIMOTHY C. PHILLIPS, B.P.R. # 12751  
Assistant Attorney General  
Consumer Advocate and Protection Division  
Cordell Hull Building, 2nd Floor  
425 5th Avenue North  
Nashville, Tennessee 37243  
(615)-741-8700

### Certificate of Service

I hereby certify that a true and correct copy of the Petition to Intervene was served on parties below via facsimile transmittal and U.S. Mail, postage prepaid, on March 12, 2001.

Richard Collier, Esq.  
General Counsel  
Tennessee Regulatory Authority  
460 James Robertson Parkway  
Nashville, Tennessee 37243-0505  
(615) 741-5015

Joe A. Conner, Esq.  
Baker, Donelson, Bearman & Caldwell  
1800 Republic Centre  
633 Chestnut Street  
Chattanooga, Tennessee 37450-1800  
FAX # (423) 756-3447

  
\_\_\_\_\_  
Timothy C. Phillips  
Assistant Attorney General

::ODMA\GRPWISE\sd05.IC01S01.JSB1:43637.1